

G O D D A R D L A W P L L C

39 Broadway, Suite 1540 | New York, NY 10006

Office. 646.504.8363

Fax. 212.473.8705

anthony@goddardlawnyc.com

WWW.GODDARDLAWNYC.COM

February 9, 2021

By ECF

Honorable Alvin K. Hellerstein
United States District Judge
500 Pearl Street
New York, NY 10006

Defendants Lowe and Farnsworth, and each of them, by noon, February 16, 2021, shall furnish to plaintiff a statement, under oath, stating all addresses and phone numbers by which they had contact with defendant Ellis Silberstein since June 1, 2020.

Plaintiff's time within which to serve defendant Ellis Silberstein is enlarged to March 26, 2021. The request for conference is denied. This order does not affect the time within which the served defendants shall file answers.

Re: **Geery v. Ellis Silberstein et al., 20 CV 753**
Pending Motion Dated January 29, 2021 (ECF Doc. 55)

SO ORDERED.

/s/ Alvin K. Hellerstein
Feb. 11, 2021

Dear Judge Hellerstein:

This firm represents Plaintiff Madison Geery. We filed a letter motion on January 29, 2021 (ECF Doc. 55) which concerns the final deadline of Friday, February 12 for Plaintiff to serve the Summons and Complaint on Defendant Robert Ellis Silberstein ("Defendant Ellis"). Since filing that motion, we have also filed the process server's affidavit of due diligence (ECF Doc. 56), which states that Defendant Ellis's name does not appear on the building's directory of residents, and the doorman at the building denied that he lives there. I have also conferred with counsel for Defendants Lowe and Farnsworth, Diane Windholz. Ms. Windholz informed me that Defendants Lowe and Farnsworth do not have any other address for Defendant Ellis, and do not oppose the request made in our January 29 motion for leave to serve the Summons and Complaint on Defendant Ellis by serving his Instagram account. Finally, I have reviewed the procedure for sending a direct message to Defendant Ellis on Instagram which will include a clear photograph of each page of the Summons and Complaint.

Thus, I respectfully request that the Court grant leave to Plaintiff to serve the Summons and Complaint on Defendant Ellis by direct message on Instagram. *See, e.g., Schwartz v. Sensei, LLC*, 17 CV 4124, ECF Doc. 70 (S.D.N.Y. March 11, 2019) (Netburn, M.J.) (authorizing alternative service of process on evasive individual defendant by electronic service on his internet accounts including his Twitter account). If leave is so granted, that should obviate the need for the discovery conference which was also requested in our January 29 motion.

We appreciate the Court's consideration.

Respectfully submitted,



Anthony P. Consiglio

cc: All Counsel (by ECF)